

Notice of Allowability

Application No.

10/644,784

Examiner

Gentle E. Winter

Applicant(s)

CHOU ET AL.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/21/2003.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 21 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1☒ Notice of References Cited (PTO-892)
- 2☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____
- 4☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

- 5☐ Notice of Informal Patent Application (PTO-152)
- 6☐ Interview Summary (PTO-413), Paper No. _____
- 7☐ Examiner's Amendment/Comment
- 8☒ Examiner's Statement of Reasons for Allowance
- 9☐ Other

Zeinab El-Arini
ZEINAB EL-ARINI
PRIMARY EXAMINER

DETAILED ACTION

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance:
2. Initially, it is noted that a means for performing a specified function is an acceptable definition of an element. Further, a disclosed means shall be construed to cover corresponding structure and equivalents thereof. The function has been specified and allows for the determination of structural equivalents. The structureless terms specify a function performed by corresponding element of invention thus properly invoking the sixth paragraph of 35 U.S.C. §112. *Ex parte Klumb*, 159 USPQ 694.
3. The prior art of record, as credibly asserted by Applicants to, apparently fails to teach each and every limitation of the instant invention. Specifically, the prior art of record fails to teach an apparatus exhibiting the same structural limitations as claimed. Specifically, the prior art of record apparently fails to provide the combination of a liquid coolant system, an ignition flame temperature modification component, and cooled electrolyte recycling system which is disclosed as an essential element of claimed invention, as described in claims 1 and 19. While each and every limitation of the present invention is disclosed in various prior art teachings, the prior art of record apparently fails to provide the requisite motivation for making the instantly claimed combination. This Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607

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(CCPA 1975). While there is no requirement that a motivation to make the modification be expressly articulated, the motivation may not be drawn from the Applicants'. The test for combining references is what the combination of disclosures, taken as a whole, would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). The level of specificity in the current claims does not appear to have been contemplated in the prior art of record.

4. For at least the foregoing reasons, claims 1-20 are believed to recite patentable subject matter.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gentle E. Winter whose telephone number is (703) 305-3403. The examiner can normally be reached on Monday-Friday 7:00-3:30.

2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (703) 308-4333. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

3. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Gentle E. Winter
Examiner
Art Unit 1746

December 19, 2003

Zeinab El-Arini

**ZEINAB EL-ARINI
PRIMARY EXAMINER**